

## ARTICLE 7. SPECIFIC DEVELOPMENT STANDARDS

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### § 155. 101 PURPOSE AND APPLICABILITY

Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this ordinance. Standards shall apply in all zoning districts where the use in question is allowed. Standards for uses that apply only within specific districts are listed within the Articles pertaining to those districts.

### § 155. 102 STANDARDS FOR RESIDENTIAL AND RELATED USES

(A) *Manufactured Home.* A manufactured home is a type of single-family dwelling, and therefore shall meet all zoning standards applicable to single-family dwellings, including setbacks, lot area, lot coverage, and off-street parking, unless located within a “Manufactured Home Park” as specified below.

(B) *Manufactured Home Park.* A master plan shall be required for establishment of a new manufactured home park or expansion of an existing manufactured home park. The master plan shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.

- (1) The manufactured home park site shall be located in an area with municipal or centralized utilities, including water supply and sewage treatment, and municipal services, including fire and police protection.
- (2) The site shall have access to a hard-surfaced road adequate to serve the traffic the use will generate. A traffic study may be required as part of the required master plan.

- (3) A landscaped buffer area a minimum of ten (10) feet in width, with screening as specified in Article 6, Section 155.89(E)(2), shall be maintained along boundaries of the manufactured home park.
- (4) Manufactured home lots or sites shall be at least five thousand (5,000) square feet in size and at least fifty (50) feet wide.
- (5) Manufactured homes and auxiliary structures shall be sited on their lots to meet the following setbacks, which shall take precedence over other setbacks in the zoning district where the park is located. Areas other than driveways shall be landscaped as lawn or other vegetation.
  - (a) Front yard or corner side yard: 20 feet.
  - (b) Side yard: 6 feet
  - (c) Rear yard: 20 feet
- (6) A manufactured home may be placed on an existing substandard lot not meeting the above setbacks in a manufactured home park or subdivision without a variance; however, a certificate of zoning compliance shall be required.
- (7) The area occupied by a manufactured home and all other structures shall not exceed fifty percent (50%) of the total area of a manufactured home lot or site. Structures may include those listed below. Any building or structure attached to the manufactured home must comply with the International Building Code.
  - (a) One living space not to exceed 672 square feet;
  - (b) One open or enclosed carport, not to exceed 240 square feet;
  - (c) One enclosed or covered entryway not to exceed 168 square feet;
  - (d) One detached utility shed not to exceed 120 square feet at a designated location on the lot, which shall not be attached to the manufactured home.
- (8) The following site facilities shall be provided as part of a manufactured home park:
  - (a) A storage area set aside for boats, boat trailers, other recreational equipment, and all other equipment not stored within the manufactured home or other enclosed structure on the manufactured home site. The storage area shall be separate from lots or streets within the

manufactured home park and shall be adequately screened;

(b) One or more central community buildings for public safety during storms, which must be maintained in a safe, clean and sanitary condition;

(c) A recreation area consisting of one hundred (100) square feet per manufactured home site shall be provided, but in no instance shall less than five thousand (5,000) square feet be provided for such purpose.

(9) Streets within the manufactured home park shall be a minimum of 24 feet wide.

(10) Manufactured home park building standards, maintenance and management requirements are regulated in Chapter 150, Building Regulations, Section 150.26.

(C) *Group Home.* A group home is a specific use type located within a single-family dwelling, and therefore shall meet all zoning standards applicable to single-family dwellings, including setbacks, lot area, lot coverage, and off-street parking. License capacity shall not exceed six (6) persons per facility, plus support staff.

(D) *Group Residential Facility, Halfway House.*

(1) In residential districts, the facility shall occupy a residential building type permitted within the district where it is located, and shall meet all zoning standards applicable to that building type.

(2) On-site services shall be for residents of the facility only.

(E) *Congregate Housing (Assisted Living)*

(1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of existing building and surrounding neighborhood.

(2) The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

(3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

(F) *Semi-Transient Accommodations (Boarding, Rooming Houses, etc.)*

- (1) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- (2) All new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
- (3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

### **§ 155. 103 STANDARDS FOR PUBLIC AND CIVIC USES**

(A) *Cemetery.* A new cemetery shall be a minimum of five (5) acres in size and shall have direct access to a collector or higher classification street.

- (1) Burial plots and headstones shall be located a minimum of fifteen (15) feet from all lot boundaries.
- (2) All facilities and structures shall be located outside of the floodplain district.
- (3) A landscaped buffer area at least fifteen (15) feet in width shall be provided along all property lines abutting a residential property or residential street.

(B) *Colleges and Universities.* Any new college or university or expansion of an existing college or university shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.

- (1) The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.

(C) *Community Services.* The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.

(D) *Day Care Center.*

- (1) Any day care center must meet state licensing requirements as well as other applicable codes.
- (2) In all residential districts, the use may either be located in a nonresidential structure existing on the effective date of this ordinance or designed and integrated into a new residential development.

- (3) A designated area shall be provided for short-term parking of vehicles for drop-off and pick-up of children or clients. The designated area may be on-street or off-street, but shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

(E) *Schools, Public and Private.*

- (1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
- (2) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
- (3) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(F) *Public Assembly.* The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.

(G) *Religious Institution.*

- (1) A facility developed after the effective date of this ordinance shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.
- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
- (3) Any living quarters associated with the facility shall meet the requirements of this ordinance for the specific residential use(s) proposed.
- (4) Any educational facilities shall meet the requirements for Schools, Public and Private, in Subsection E above.

**§ 155. 104 STANDARDS FOR SERVICES**

(A) *Educational Services.* Except in the industrial districts, all typical activities shall be conducted within an enclosed building.

(B) *Medical Facilities.* The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.

- (1) Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.
- (2) Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.

(C) *Nursing and Personal Care.*

- (1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
- (2) The site shall contain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
- (3) An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

(D) *Self-Service Storage Facility:*

- (1) No commercial transactions shall be permitted other than the rental or sale of storage units.
- (2) No more than one (1) unit shall be accessed directly from the public street.
- (3) Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

## **§ 155. 105 STANDARDS FOR FOOD SERVICES**

(A) *Restaurant with Drive-Through.*

- (1) Drive-through elements shall not be located between the front façade of the principal building and the street. No service shall be rendered, deliveries made or sales conducted within the required front yard, although tables may

be provided for customer use.

- (2) Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
- (3) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
- (4) Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

(B) *Drinking and Entertainment.* Music or amplified sounds shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

#### **§ 155. 106 STANDARDS FOR AUTOMOTIVE VEHICULAR USES**

(A) *Car Wash.*

- (1) The car wash shall be capable of being enclosed when not in operation.
- (2) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- (3) Any car wash line exit shall be at least thirty (30) feet distant from any street line.
- (4) Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
- (5) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

(B) *Gasoline Station.*

- (1) Lot size and access. A gasoline station site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street.
- (2) All vehicle repairs shall be conducted in a building capable of being enclosed when not in use.

- (3) Vehicles. No vehicles other than those utilized by employees or awaiting service shall be parked on the premises. No vehicle shall be parked or awaiting service longer than fifteen (15) days.
- (4) Screening of storage areas. The storage or display of inoperable or unlicensed vehicles or other equipment, and all trash storage or disposal facilities, shall meet all setback requirements of a structure, and shall be screened from view from adjacent public streets and adjacent residential properties. Screening shall meet the requirements of Article 6, Section 155.89(F).
- (5) Outdoor display. Exterior display of items offered for sale shall meet all building setback requirements and shall be located in containers, racks or other structures designed to display merchandise.
- (6) Accessory uses. The following accessory uses shall require a separate conditional use permit:
  - (a) Automatic car and truck wash;
  - (b) Rental of vehicles, equipment or trailers;
  - (c) General retail exceeding two thousand five hundred (2,500) square feet in floor area.

(C) *Sales and Storage Lots.*

- (1) Size and Location. The site shall be a minimum of twenty thousand (20,000) square feet in size and shall have access to a collector or higher classification street. Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two streets.
- (2) All vehicle repairs shall be conducted in a completely enclosed building.
- (3) A site plan shall be submitted showing the layout of vehicles for sale or rent, employee parking and customer parking.
- (4) Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.

**§ 155.107 STANDARDS FOR OUTDOOR RECREATION USES**

(A) *Campgrounds and Trailering.*

- (1) Site plans. Any proposed campground shall submit a site plan describing

proposed development plans and phases, recreation and sanitary facilities, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.

- (2) Size and Location. Any campground established after the effective date of this ordinance shall be at least five (5) acres in size and shall have access to a collector or higher classification street.
- (3) Year-round residential use restricted. Residential use of recreational vehicles, as defined in Article 2, Definitions, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.

(B) *Golf Course.*

- (1) Location. The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.
- (2) Site plans. Site plans for such facilities shall indicate all proposed recreation areas, building uses and locations, sanitary facilities, storage areas, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.
- (3) Accessory uses. The following accessory uses are permitted in conjunction with a golf course: A driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities. Other accessory uses may require a separate conditional use permit.
- (4) Resource protection. Golf courses shall be designed with consideration of environmental resources, including:
  - (a) Water recycling and conservation through on-site storage and use facilities;
  - (b) Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and
  - (c) Use of landscaping and site layout to preserve and enhance wildlife habitat.
- (5) Buffering. A planted buffer may be required to screen adjacent residential and other uses.

- (6) Other conditions. Other conditions may be imposed to mitigate the potential impacts of the use.

(C) *Marina*.

- (1) Location. The facility shall have access to a collector or higher classification street. A minimum of two (2) entry points to such facilities shall be provided.
- (2) Site plans. Site plans for such facilities shall indicate all proposed boat mooring and storage areas, building uses and locations, sanitary facilities, parking, circulation and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network.
- (3) Accessory uses. The following accessory uses are permitted in conjunction with a marina: service and storage buildings, sanitary facilities, parking areas, maintenance and storage facilities, and limited sales or food service areas not exceeding five hundred (500) square feet total floor area. Additional uses may require a separate conditional use permit.
- (4) Other conditions. Other conditions may be imposed to mitigate the potential impacts of the use.

(D) *Outdoor Entertainment, Restricted Recreation*.

- (1) Location. The facility shall have access to a collector or higher classification street. A minimum of two entry points to such facilities shall be provided.
- (2) Site plans. Site plans for such facilities shall indicate all proposed recreation and entertainment areas, sanitary facilities, storage areas, parking, circulation, estimated noise levels, and other information needed to assess the impacts of the proposed operation on surrounding properties and the road network. Conditions may be imposed to mitigate the potential impacts of the use.

(E) *Outdoor Recreation Facility*. Facilities that would generate substantial traffic, such as playing fields or aquatic centers, shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

## **§ 155. 108 STANDARDS FOR INDOOR RECREATION/AMUSEMENT**

(A) *Adult Use*. Any Limited Adult Use or any Standard Adult Use as defined in Article 2, Section 155.24(B)(8) shall constitute an “Adult Use” and shall be subject to the regulations of this section.

- (1) Purpose and Intent. The City Council recognizes that Adult Uses, because of their very nature, have serious objectionable operational characteristics, thereby generating harmful secondary effects upon the use and enjoyment of adjacent areas. These effects have been documented in studies reviewed by the City of Lake City, including but not limited to studies conducted by the cities of Cottage Grove, Brooklyn Park, Woodbury, St. Paul, Minneapolis, Hopkins and Rochester, Minnesota. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. It is therefore the purpose of this ordinance to regulate Adult Uses in order to promote the health, safety, morals, and general welfare of the citizens of the City of Lake City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Adult Uses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials protected by the First Amendment. This Section is also not intended to restrict or regulate art, or regulate free speech based on content.
- (2) Licensing. All adult uses shall be subject to the licensing requirements specified in §119.04 of this code.
- (3) Standard Adult Use Location in B-1 District. A Standard Adult Use may be located in the B-1 (Central Business) district subject to the following:
  - (a) No Standard Adult Use shall be operated or maintained in or within three hundred (300) feet of another Standard Adult Use, or within three hundred (300) feet of a lot line upon which any school, day care center, library, city park, or place of worship is located. Distances shall be determined by a straight-line horizontal measurement from the nearest lot line for any school, day care center, library, city park, or place of worship, or other Standard Adult Use to the nearest point of the proposed Standard Adult Use.
  - (b) No Standard Adult Use, shall sell or dispense non-intoxicating or intoxicating liquor or be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquor.
  - (c) No Standard Adult Use shall be conducted in any manner that permits the perception or observation from any property not approved as an Adult Use of any materials depicting, describing, or related to Sexually Oriented Materials, Specified Sexual Activities or Specified Anatomical Areas by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
  - (d) No Standard Adult Use shall permit any person under the age of eighteen (18) onto the premises of said establishment, nor shall any

person under the age of eighteen (18) be permitted access to material displayed or offered for sale or rent by the Standard Adult Use.

- (4) Adult Use - Limited, Locational Standards. An Adult Use - Limited may locate in a business or light industrial district if accessory to a permitted or conditional retail use, subject to the following:
- (a) All sexually oriented materials must be provided only for sale, use or entertainment off the business premises;
  - (b) All sexually oriented materials must be provided from a separate area to which persons under the age of 18 are prohibited access;
  - (c) The separate area may not exceed a maximum of twenty percent (20%) of the retail floor area of the establishment, or three hundred (300) square feet, whichever is less;
  - (d) No person outside the separate area shall be able to perceive or observe any sexually oriented materials at any time, including when someone is entering or exiting the separate area, shopping, or purchasing sexually oriented materials;
  - (e) A sign must be displayed on the entrance to the separate area, which shall read: "No person under the age of eighteen (18) is allowed in this area." The sign letters shall be a minimum of two (2) inches high;
  - (f) The entry into the separate area shall be visible to an employee of the business at all times.

(B) *Indoor Athletic Facility, Indoor Recreation.* Facilities that would generate substantial traffic shall be located with access to a street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) entry points to such facilities shall be provided.

## **§ 155. 109 STANDARDS FOR INDUSTRIAL AND EXTRACTIVE USES**

(A) *Landfill - Demolition Debris*

- (1) Conditional use permit period. A conditional use permit shall be required for all demolition debris land disposal facilities. The permit shall be valid for a three-year period, after which a permit renewal shall be required. The City Council may also require a performance bond from the landowner; see subsection (14) below.
- (2) Minimum size and location. A demolition debris landfill facility site must be at least ten (10) acres in size, and may not be located within the

Floodplain or Shoreland districts.

- (3) Setback. A minimum separation distance of fifty (50) feet must be maintained between the fill boundaries and the site property line.
- (4) Preliminary information. At the preliminary application meeting a person or corporation applying for a conditional use permit to open a demolition debris land disposal facility shall provide the following in writing:
  - (a) The expected initial date of operation;
  - (b) The type of waste that will be accepted;
  - (c) An engineer's estimated capacity of the site;
  - (d) The exact location of the site by legal description;
  - (e) The expected users of the facility;
  - (f) The expected date of closure.
- (5) Site plan requirements. In addition to the requirements outlined in Section 155.104, a site plan is required, to include the following information:
  - (a) A description of operation variables and procedures, including the proposed frequency and materials to be used for intermittent and intermediate cover;
  - (b) A calculation of site capacity and operating life;
  - (c) The detailed plans and engineer's report, specifying the manner in which the facility will be constructed and operated to control run-off and run-on;
  - (d) A description of the procedures to be used in controlling the wind dispersion of particulate matter and fugitive dust;
  - (e) A phase development plan showing the progressive development of trench or area fills and the construction associated with each phase;
  - (f) A cross section plan with a vertical scale of one inch equals ten (10) feet and a horizontal scale of 1 inch equals one hundred (100) feet, including a minimum of two cross-sections per phase, perpendicular to one another, showing the existing grades, the excavation grade, the final grade, the water table profile and the profile and identity of the bedrock as applicable;

- (g) A hydrogeologic study, the extent of which will be determined by the Commissioner of the Minnesota Pollution Control Agency (MPCA);
  - (h) A complete soils evaluation, including individual boring logs as required by the Commissioner of the MPCA;
  - (i) The methods to be followed to control noise and access to the facility;
  - (j) A description of the proposed ground water monitoring system if required by the Commissioner of the MPCA.
- (6) Use restriction. The type of debris accepted for disposal shall be limited to solid waste resulting from the demolition of buildings, roads and other man-made structures, including, but not limited to, concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. A complete listing of acceptable and non-acceptable debris may be obtained from the MPCA. The City Council may impose additional use restrictions as part of the conditional use permit. Disposal of asbestos is prohibited.
- (7) Water resources.
- (a) Surface water drainage must be diverted around and away from the site operating area. Slopes and drainage ways must be designed to prevent erosion;
  - (b) The disposal operation shall not interfere with surface water drainage beyond the boundaries of its operation. It shall not adversely affect the quality of surface or subsurface water resources;
  - (c) Water quality monitoring will be conducted at the direction of the Commissioner of the MPCA.
- (8) Screening and fencing. Access to the disposal operating area shall be controlled by a fence with a lockable gate. To minimize problems of dust and noise and to shield disposal operations from public view, a screening barrier shall be provided between the site and adjacent residential and commercial property, and any public road within 500 feet. The screening barrier may be any suitable natural or artificial barrier screening type material. See Section 155.89 of Article 6 for further requirements.
- (9) Access roads. Access roads shall be designed to provide adequate sight distance at intersections with any public roads. All access roads when not paved shall be treated to prevent excess of airborne particulate matter, such as dust.

- (10) Dust and dirt. All equipment operation and disposal operation shall be conducted in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within 600 feet of the operation tot line.
- (11) Appearance and maintenance. All buildings or structures on the site shall be maintained in such a manner as to prevent an unsightly appearance or dangerous condition.
  - (a) A cover system of appropriate material as determined by the Commissioner of the MPCA will be maintained at the site. Cover frequency as determined in the conditional use permit shall be adhered to.
- (12) Hours of operation. All disposal operations, including covering, shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. Any operation not conducted between these hours shall require a special use permit authorized by the City Council. These permits shall be granted at the discretion of the City Council for public or private emergency or for necessary repairs to equipment.
- (13) Inspection procedure. The operator must develop an inspection procedure, the records of which may be reviewed by the City.
- (14) Financial assurance of the facility. Financial assurance may also be required by the MPCA. The City Council may require the owner or operator of the disposal facility to obtain financial assurance for the proper operation, closure, post-closure care and corrective actions determination shall be based on the size, site hydrology and geology, operating life, past and existing operational practices and types of waste accepted at the facility. Required financial assurance by either agency shall not be mutually exclusive.
- (15) Closure and post-closure care. The owner or operator must close each phase and the entire facility in compliance with the closure and post-closure care plans developed under MPCA Rules, parts 7035.2625 to 7035.2655.
  - (a) Within a period of one year after final closure of the facility, any buildings incident to the disposal operation must be removed.
  - (b) The cover system must consist of a final cover as follows:
    - (i) The final cover must be compatible with the intended end use of the site;

- (ii) The final cover must be capable of sustaining vegetative growth, as appropriate;
  - (iii) The final cover must contain materials consistent with the overall site design.
- (c) Slopes and drainage ways must be designed to prevent erosion. Slopes greater than two hundred (200) feet must be interrupted with diversion drainage ways.
- (d) The final contours of the fill area must be a minimum two percent (2%) and a maximum twenty percent (20%) slope.

(B) *Resource Extraction.*

1. Conditional use permit period. A conditional use permit shall be required for all commercial mining operations. The permit shall be valid for a three-year period, after which a permit renewal shall be required. The City Council may also require a performance bond from the landowner, see subsection (14) below.
2. Minimum size and location. A resource extraction site must be at least ten (10) acres in size, except where contiguous to an active mining operation managed by the same producer.
3. Setback. Mining operations shall not be conducted within one hundred (100) feet of the property line, or five hundred (500) feet from any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures. Mining operations shall not be conducted within thirty (30) feet of the right-of-way of any existing or platted street, unless conducted to reduce the difference in elevation between the mined area and the street.
4. Site plan requirements. In addition to the requirements outlined in Section 155.104, a site plan is required, to include the following information:
  - (a) A map of proposed operations, to include:
    - (i) Structures to be erected;
    - (ii) Location of sites to be mined showing depth of proposed excavation;
    - (iii) Location of tailings deposits showing maximum height of deposits;

- (iv) Location of machinery to be used in the mining operation;
  - (v) Location of storage of mined materials, showing height of storage deposits;
  - (vi) Location of vehicle parking;
  - (vii) Location of storage of explosives.
- (b) A soil erosion and sediment control plan;
  - (c) A plan for dust and noise control;
  - (d) A full and adequate description of all phases of the proposed operation, including an estimate of duration; and
  - (e) A land rehabilitation plan that complies with the requirements of Subsection 14 below.
5. Use restrictions. The following operations performed at the same site as a mining operation shall each require a separate conditional use permit:
- (a) The crushing, washing, refining or processing other than the initial removal of material.
  - (b) In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site.
  - (c) The manufacture of concrete building blocks or other similar blocks, the production or manufacturer of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation.
6. Noise and vibration. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
7. Water resources. The mining operation shall not be allowed to interfere with surface water drainage beyond its boundaries, or adversely affect the quality of surface or subsurface water resources.

8. Safety fencing. Any mining operation adjacent to a residential zone or within three hundred (300) feet of two or more residential structures shall be bound by the following standards:
- (a) Where water may accumulate to a depth of one and one-half feet or more for a period of at least one month, occupying an area of seven hundred (700) square feet or more, a fence of at least four feet in height shall restrict access to the area.
  - (b) Where slopes steeper than one-foot vertical to three-feet horizontal are present for a period of one month or more, a fence of at least four (4) feet in height shall restrict access to the area.
- (9) Mining access roads. All mining access roads shall be paved for a distance of one hundred (100) feet from a public road intersection to minimize dust. Intersections of mining access roads with any public roads shall be located to provide adequate sight distance for entering and exiting traffic.
- (10) Screening barrier. A screening barrier shall be maintained between the mining site and adjacent residential and commercial properties, and between the mining site and any public road within five hundred (500) feet of any mining or processing operations, to minimize problems of dust and noise and to shield mining operations from public view. The screening barrier shall be planted with a species of fast growing trees such as green ash.
- (11) Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained according to acceptable industrial practice so as to assure that they will not become dangerously dilapidated.
- (12) Hours of operation. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Any operations not conducted outside of these hours shall require a separate conditional use permit. Such permits shall be granted for public or private emergency or whenever any reasonable or necessary repairs to equipment are required.
- (13) Dust and dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.
- (14) Land rehabilitation. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one calendar year after operation ceases. The following standards shall apply:

- (a) Within a period of one year after the termination of a mining operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the mining operator last operating such buildings, structures and plants;
- (b) A reclamation plan for the site shall be prepared by a qualified professional and approved by the City which includes, but is not limited to, the following components: final grades for the site, erosion control, storm water management, landscaping, and any other information as deemed appropriate by the Director of Planning.
- (c) The City may require a performance bond for land rehabilitation.

(C) *Scrap and Salvage Services.* Salvage yards are limited to existing operations. A new conditional use permit shall be required for the continuance of such operations. The storage area shall be completely screened with an opaque fence of acceptable design a minimum of six (6) feet high, and additional landscape materials.

(D) *Motor Freight and Warehousing.*

- (1) Permit and Application Requirements. Applicants seeking a conditional use permit to operate a motor freight and warehousing facility as a principal use must submit the following information along with an application for a conditional use permit, in addition to those requirements listed in Article 3 of this Chapter:
  - (a) A narrative outlining the type of material to be handled, modes of transportation, and a description of the equipment to be used in the movement and storage of products;
  - (b) The estimated time frame for facility operations, including hours per day, days per week, and number of years in operation;
  - (c) The estimated average numbers of daily and peak daily number of vehicles, barges, trains, etc. accessing the facility;
  - (d) A description of methods to control the weight of vehicles leaving the facility and the methods to be employed to ensure that vehicles leaving the facility are not exceeding the weight restrictions on the roads in which they will travel;
  - (e) A description of methods that will be used to prevent mud and debris from being tracked onto public roads;

- (f) *Dust Mitigation Plan.* To mitigate public nuisances, the City may require owners or operators to provide a Dust Mitigation Plan for approval by the City as a condition of the permit. The Dust Mitigation Plan must set forth the dust control methods that will be utilized such as berming, landscaping, and enclosures for equipment;
  - (g) *Transportation Impact Study.* The City may require the owner or operator of the facility to complete a Transportation Impact Study as a condition of the permit; and
  - (h) *Road Impact Agreement.* As a condition of the permit, the City may require the owner or operator of the facility to enter into Road Impact Agreement with the City in order to alleviate the additional burden on the City's financial resources associated with any increased road infrastructure maintenance required due to the use.
- (2) Performance Standards for Motor Freight and Warehousing Facilities. The following performance standards apply to all motor freight and warehousing facilities located in the City and are supplemental and in addition to the other applicable performance standards set forth in the City Code:
- (a) *Hours of Operation.* The facility's hours of operation and specific operations, including, but not limited to, hauling, loading, and unloading may be restricted by the terms of the conditional use permit.
  - (b) *Access.* The applicant must obtain a permit from the road authority for all proposed new access points to public roads, if required by the road authority. Permits are required by the City for new access points onto City streets. The City may restrict the weight of vehicles allowed to use a permitted access point onto its street.
  - (c) *Dust Control.* The owner or operator shall be responsible for providing continuous dust control during facility operation on surfaces that are the primary routes to or from the property. Watering roadways, stockpiled materials, and other dust control measures, such as pavement sweeping and wheel washing along paved roads accessing the facility may be required as a condition of the permit. All equipment used for the operations must be constructed, maintained, and operated in such a manner as to minimize, as much as practicable, dust conditions which would create a public nuisance to persons living within 300 feet of the property line on which the facility is located.
  - (d) *Noise.* Noise levels emanating from the facility shall not exceed the levels set forth in the City Code, Chapter 98 Noise, and Chapter 155, Article 6 General Performance Standards. To mitigate public nuisances, the owner or operator shall use best management practices,

including, but not limited to constructing berms, enclosing generators, and preserving existing trees at the property boundaries to minimize noise impacts.

- (e) *Vibration.* The owner or operator must use all practical means necessary in order to eliminate adverse impacts on adjacent properties caused by vibration of the facility's equipment or vehicles. Vibrations must not exceed the levels set forth in any applicable federal, state, or local laws and regulations.
- (f) *Screening.* A screening barrier may be required between the site and adjacent properties or roadways as a condition of the permit.

(E) *Inspection, Violations, Penalties and Enforcement.*

- (1) Inspection. The City may make inspections of the facility upon reasonable notice to ensure and safeguard the health and safety of the public and determine compliance with the minimum standards under the applicable law, this Section, and conditions of the conditional use permit.
- (2) Enforcement. In the event of a violation of any of the terms of this Section or of the conditional use permit, the City may take enforcement action as set forth in Sections 155.37 and 155.40 of Article 3 of this Chapter. (§155.10(D) adopted 2/11/2013, Ord. No. 514)

**§ 155. 110 STANDARDS FOR TRANSPORTATION, UTILITY AND COMMUNICATIONS USES**

(A) *Essential Services.* Essential services as defined by this Ordinance are permitted in any district, provided that a site plan for any new or expanded service facility is filed with the Planning Department. The City Council may require site plan review of large facilities, upon the recommendation of the Director of Planning.

(B) *Communication Towers and Antennas.*

- (1) Purpose. To provide for the orderly establishment of telecommunications within the city's jurisdiction, while at the same time providing for the public health, safety, general welfare and the aesthetic environment of the community, this section is necessary to:
  - (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of Lake City;
  - (b) Minimize adverse visual effects of towers through careful design and siting standards;

(c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

(d) d. Maximize the use of existing and approved towers to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

(2) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ANTENNA.** Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antenna, such as whip antennas.

**BASE UNIT.** An unstaffed, single-story structure or weather-proofed cabinet fewer than 500 square feet (gross floor area) in size used to house radio frequency transmitters, receivers, power amplifiers, signal processing hardware and related equipment.

**COMMERCIAL RECEIVING AND/OR TRANSMITTING ANTENNA.** Any antenna erected for the commercial use of the information received or transmitted.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICE.** Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR) and paging and similar services.

**COMMUNICATION TOWER.** Any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guided towers or monopole towers.

**FACADE MOUNTED COMMUNICATION TOWER OR ANTENNA.** A communication tower or antenna mounted on the facade of an existing structure such as buildings, water towers, clock towers, steeples and stacks which does not project above the facade on which it is mounted.

**INSTITUTIONAL USES.** For the purpose of siting communication towers and antennas, institutional uses shall mean schools (excluding day care facilities), parks, cemeteries, golf courses, sport arenas, churches, libraries, athletic fields and publicly owned property.

**PRIVATE RECEIVING AND/OR TRANSMITTING ANTENNA.** Any antenna erected for the noncommercial use of the information.

**PUBLICLY OWNED PROPERTY.** For the purpose of siting communication towers and antennas, a publicly owned property shall mean parcels of land, public rights-of-way, buildings or structures owned by any governmental body or public agency, including city, county, state or federally owned properties.

**ROOFTOP MOUNTED COMMUNICATION TOWER OR ANTENNA.** A communication tower or antenna located on a residential structure of greater than fifty (50) feet in height and a nonresidential structure, such as a building, water tower, light pole, clock tower, steeple, stack, communication tower, power line, pole, rooftop, penthouse and similar structures.

- (3) Conditional use permit required. It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect or replace any tower, except for essential services, without first making application to the city and securing a conditional use permit as provided in this Section. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.
- (4) Permitted uses. The following uses are permitted in all zoning districts.
  - (a) Communication towers and antennas designed for private reception of television and radio signals, including antennas (less than fifty (50) feet in height if freestanding and fifteen (15) feet in height if roof-mounted) used for amateur or recreational purposes, provided they are not located in any required front yard, side yard or rear yard setback, nor shall they be located between a principal building and a required front yard, side yard or rear side yard setback.
  - (b) Rooftop communication towers or antennas that are not more than fifteen (15) feet in height. The applicant shall submit the following information to obtain administrative review:
    - (i) A rooftop communication tower or antenna shall be aesthetically compatible with the structure upon which the proposed tower or antenna would be mounted and surrounding uses. Schematic drawings and photographic perspectives showing:
      - a. The structure;
      - b. The tower and antenna; and
      - c. The placement of the tower or antenna on the structure shall be

submitted to the Zoning Administrator to determine compliance with this provision;

- (ii) The structure upon which the proposed antenna would be mounted shall have the structural integrity to carry the weight of the tower or antenna. A written certification from a registered engineer that the existing structure has the structural integrity to carry the weight of the tower or antenna shall be submitted to the Director of Planning;
  - (iii) A base unit not located indoors shall be aesthetically compatible with the structure upon which the proposed tower or antenna would be mounted and surrounding uses. A drawing showing the size and location of the communication base unit, materials used to construct the unit and screening shall be submitted to the Director of Planning to determine compliance with this provision;
  - (iv) If necessary, the Director of Planning may require a rooftop communication tower or antenna to be camouflaged to enhance the aesthetic appearance of the tower or antenna and the structure on which the proposed tower or antenna would be mounted. A drawing showing how the communication tower or antenna will be camouflaged shall be submitted to the Director of Planning to determine compliance with this provision.
- (c) Facade-mounted communication tower or antenna. The applicant shall submit the following information to obtain administrative review:
- (i) A rooftop communication tower or antenna shall be aesthetically compatible with the structure upon which the proposed tower or antenna would be mounted and surrounding uses. Schematic drawings and photographic perspectives showing:
    - a. The structure;
    - b. The tower and antenna; and
    - c. The placement of the tower or antenna on the structure shall be submitted to the Zoning Administrator to determine compliance with this provision;
  - (ii) The structure upon which the proposed antenna would be mounted shall have the structural integrity to carry the weight of the tower or antenna. A written certification from a registered engineer that the existing structure has the structural integrity to carry the weight of the tower or antenna shall be submitted to the Director of Planning;

- (iii) A base unit not located indoors shall be aesthetically compatible with the structure upon which the proposed tower or antenna would be mounted and surrounding uses. A drawing showing the size and location of the communication base unit, materials used to construct the unit and screening shall be submitted to the Director of Planning to determine compliance with this provision;
- (iv) A facade mounted communication antenna shall be camouflaged to enhance the aesthetic appearance of the tower or antenna and the structure on which the proposed tower or antenna would be mounted. A drawing showing how the communication tower or antenna will be camouflaged shall be submitted to the Director of Planning to determine compliance with this provision.

(5) Performance Standards.

- (a) *Co-location requirements.* All communication towers and antennas for commercial wireless telecommunication services erected, constructed or located within the City shall comply with the following requirements:
  - (i) A proposal for a new communications tower for commercial wireless telecommunication service shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a three-mile search radius (1.5 mile search radius for towers under one hundred (120) feet in height, one-half-mile search radius for towers under eighty (80) feet in height) of the proposed tower, due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
    - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;
    - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

- d. In spite of best efforts, within sixty (60) days the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower; or
  - e. Other reasons affecting technical performance, system coverage and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower.
- (ii) Any proposed communication tower for commercial wireless telecommunication service shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.
- (b) *Tower design requirements.* Proposed construction or modification of all communication towers shall meet the following design requirements:
- (i) Towers shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
  - (ii) Commercial wireless telecommunication service towers shall be of a monopole design unless determined by the City Council that an alternative design would be necessary to support future potential users.
- (c) *Tower setbacks.* Communication towers shall conform with each of the following minimum setback requirements.
- (i) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the side or rear setback area, provided that the property line abuts another non-residentially zoned property.
  - (ii) The tower shall not encroach upon any easements. The minimum distance to the nearest residential property shall be equal to the height of the tower. The minimum distance to the nearest residential structure shall be two times the height of the tower.
  - (iii) The setback shall be measured between the base of the tower located nearest the property line and the actual property line. A lesser setback

distance may be used if a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.

- (iv) Towers shall not be located between a principal structure and a public street, with the following exceptions:
  - a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street;
  - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- (v) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.
- (d) *Tower height.* All proposed communication towers shall not exceed one hundred seventy-five (175) feet in height.
- (e) *Tower lighting.* Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower or if required by the local authorities for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.
- (f) *Signs and advertising.* The use of any portion of a communication tower for signs other than warning or equipment information signs is prohibited.
- (g) *Accessory utility buildings.* All utility buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (h) *Abandoned or unused towers or portions of towers.* All abandoned or unused communication towers and associated above-ground facilities shall be removed within twelve (12) months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the City Council. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may

be removed by the city and the costs of removal assessed against the property.

- (i) *Antennas mounted on roofs, walls and existing towers.* The placement of wireless telecommunication antennas on roofs, walls and existing communication towers shall be approved by issuance of a building permit based on administrative review.
  - (j) *Existing light poles.* The replacement of an existing light pole or lighting standard in order to accommodate the placement of an antenna thereupon shall be approved by issuance of a building permit based upon administrative review.
  - (k) *Interference with telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications or private telecommunications, including without limitation, radio, television and personal communications, in accordance with rules and regulations of the Federal Communications Commission.
- (6) Additional submittal requirements. In addition to the information required elsewhere in this code, prior to the issuance of a building permit an applicant for a communication tower and antenna shall include the following supplemental information:
- (a) A report from a qualified engineer that:
    - (i) Describes the tower and antenna height and design, including a cross section and elevation;
    - (ii) Documents the approximate height above grade for potential mounting positions for co-located antennas and the approximate minimum separation distances between antennas;
    - (iii) Describes the tower's capacity generally, including the number and type of antennas that it can accommodate.
  - (b) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
- (7) Construction requirements. All antennas and communication towers erected, constructed or located within the city limits and all wiring for such facilities shall comply with the following requirements:
- (a) All applicable provisions of this code;

- (b) Tower designs shall be certified by a qualified engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association;
  - (c) No part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line;
  - (d) Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;
  - (e) Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height.
- (8) Existing antennas and towers. Antennas and communication towers in existence as of January 1, 1997, that do not conform to or comply with this section are subject to the following provisions:
- (a) Towers may continue in use for the purpose now used and as now existing, but may not be replaced or materially altered without complying in all respects with this section;
  - (b) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this section, provided however, that if the cost of repairing the tower to the former use, physical dimensions and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.
- (9) Amateur radio structures. Amateur radio support structures (towers) shall not exceed a height above ground level of 70 feet, unless a conditional use permit has been granted. They shall be mounted on the roof of a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

## § 155.111 STANDARDS FOR ACCESSORY USES

(A) *Home Occupation, Permitted.* A home occupation shall be permitted in any district where residential uses are allowed, meeting the following requirements:

- (1) A Statement of Compliance shall be filed with the Planning Department.
- (2) No person other than those residing in the dwelling shall be employed on site.
- (3) A home occupation shall not include auto or vehicle repair, appliance or small engine repair, outdoor storage, or other activities considered incompatible with a residential environment.
- (4) Not more than 25% of the square footage of the principal structure and/or an attached or detached garage shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
- (5) No part of any accessory structure shall be used for a home occupation. Outdoor storage of items related to the home occupation is prohibited.
- (6) Traffic and parking issues generated by the home occupation beyond that which is reasonable and normal for the area shall be subject to review by the City.
- (7) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

(B) *Home Occupation, Conditional.* A home occupation that exceeds any of the standards for permitted home occupations may be allowed through a conditional use permit in any district where residential uses are permitted, meeting the following requirements:

- (1) No more than one (1) person other than person(s) residing in the dwelling shall be employed on site in conjunction with the home occupation.
- (2) The home occupation may be conducted in an accessory building or attached garage not exceeding two thousand (2,000) square feet of gross floor area. A home occupation shall not include auto or vehicle repair, appliance or small engine repair, outdoor storage, or other activities considered incompatible with a residential environment.
- (3) Traffic and parking issues generated by the home occupation beyond that which is reasonable and normal for the area shall be subject to review by the City.
- (4) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

- (5) Additional parking space may be required as part of the conditional use permit for the use of clients, deliveries, etc.
- (6) Outdoor storage of items related to the home occupation is prohibited. (Ord. 436, 4/23/2007) (Ord. 489, 7/26/2010)

(C) *Bed and Breakfast.* The facility shall be located in a single-family detached dwelling.

- (1) The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
- (2) The facility shall maintain a guest register open to inspection by the City.
- (3) Guest stay shall be limited to seven (7) days.
- (4) The applicant shall meet all applicable government regulations.
- (5) The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.

(D) *Drive-through Facility.*

- (1) Drive-through elements shall not be located between the front façade of the principal building and the street.
- (2) Plans for on-site circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided, without interfering with on-site parking/circulation.
- (3) Alley access to drive-through lanes is prohibited on any block containing a residential or office-residence district, except for commercial deliveries when approved by the city engineer.
- (4) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
- (5) Sound from any speakers used on the premises shall not be audible above a level of normal conversation at the boundary of any surrounding residential district or on any residential property.
- (6) An emergency exit lane shall be provided for users queuing through the drive-

through lane(s), without interfering with on-site parking/circulation.

(E) *Family and Group Family Day Care.*

- (1) All state licensing requirements shall be met;
- (2) Any outdoor play area shall be completely fenced;
- (3) Adequate drop-off space shall be provided, on- or off-street.

(F) *Solar Energy Systems.* Solar energy systems and solar structures are permitted accessory uses in all districts, provided the system is in compliance with minimum lot requirements and setbacks.

- (1) A solar structure must comply with all setback, height and lot coverage restrictions unless a variance is granted.
- (2) Height limitation on adjacent properties. No vegetation or structure shall be placed or allowed to grow so as to cast a shadow on a solar energy system greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard time on December 21.
- (3) This restriction does not apply to vegetation or structures exceeding this height limit existing at the time of installation of the solar energy system.
- (4) Owners of a solar energy system are encouraged to file notarized photographs of the affected area with the city prior to installation of the system.
- (5) Violation of this standard shall constitute a private nuisance.

(G) *Private Swimming Pools, Spas and Hot Tubs.*

- (1) Certificate of Compliance required. A Certificate of Compliance shall be required for any swimming pool, spa or hot tub.
- (2) Conditions and standards. The following conditions and requirements shall be followed for swimming pools, spas and hot tubs.
- (3) Standards for Swimming Pools, Spas and Hot Tubs.
  - (a) The swimming pool, spa or hot tub is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;

- (b) The swimming pool, spa or hot tub, and any walks, paved areas or accessory structures adjacent thereto, shall not be located closer than ten (10) feet to any property line on the property on which the facility, is located;
  - (c) Rented portable spas will be exempt from the provisions of this section for a period not to exceed forty-eight (48) hours, provided they are rendered inaccessible when not in use;
  - (d) Where an above ground pool structure is used as a barrier or where the pool is considered portable as defined above and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of items (D) 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with (D) 1 through 5.
- (4) Barrier Standards for Swimming Pools, Spas and Hot Tubs. All facilities with a surface area of fifty (50) square feet and/or more than one hundred (100) gallons of water shall be provided with safeguards to prevent children from gaining uncontrolled access. Fences and gates shall meet the following requirements:
- (a) Gates shall open outward from the pool;
  - (b) Self-closing, self-latching devices shall be installed on all gates. Gate latches shall be at least four and one-half (4 1/2) feet above the ground or shall be made inaccessible from the outside;
  - (c) Perimeter property fence or surrounding pool fence shall be a minimum of five (5) feet in height;
  - (d) Openings within the fence and gates shall be small enough that a spherical object four (4) inches in diameter may not pass through. Chain link fences used as the barrier shall not be less than 11-gauge;
  - (e) The fence and gates shall be constructed in a manner as to provide no hand or foot holds for climbing;
  - (f) When acceptable and approved by the Zoning Administrator, a readily portable hot tub or spa which is completely above ground, not more than eight (8) feet in any dimension and has all sides fully exposed, may be permitted to have a hard, latching or locking cover in lieu of the five (5) foot fence barrier;

- (g) The wall, fence or barrier shall be at least twenty (20) inches from the water's edge;
- (h) If a residence or living area constitutes part of the enclosure required by this subsection for a swimming pool or other contained body of water, in lieu of the requirements of this subsection, one of the following must be observed:
  - (i) A minimum four foot wall, fence or barrier to the pool area which meets all of the requirements of subsection (D), paragraphs 1 through 7 shall be placed between the swimming pool or other contained body of water and the residence or living area;
  - (ii) The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch and which does not require manual operation other than the use of the key switch;
  - (iii) All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of subsection (D), paragraph 2. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four (54) inches above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than four (4) inches, or a latching device located not less than fifty-four (54) inches above the floor. Pet doors with direct access to the swimming pool are not allowed.
- (i) If the swimming pool is an aboveground pool, it must have non-climbable exterior sides that are a minimum height of four (4) feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four (54) inches above the ground.